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Technology Center 2100

Michael E. Dergosits
Dergosits & Noah LLP
Four Embarcadero Center, Suite 1150
San Francisco, California 94111

Paper No. 9

In re Application of: Joshua D. Kaplan)
Application No. 09/412,404)
Filed: October 5, 1999)
For: NETWORK APPARATUS AND)
METHOD FOR PREVIEW OF)
MUSIC PRODUCTS AND)
COMPILATION OF MARKET DATA)

**DECISION ON PETITION
UNDER M.P.E.P. §708.02(II):
INFRINGEMENT**

This is a decision on the petition, filed February 1, 2000 (refiled April 16, 2001), under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. §1.117(I) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and © he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. A fee under 37 C.F.R. for such a petition is required.

Applicant's submission meets all the criteria set out above, accordingly, the Petition is **GRANTED**. The application file is being forwarded to the Examiner of Record for expedited examination.

Pinch M. Laufer

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160